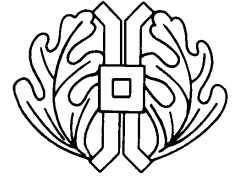


PREVENTIVE LAW SERIES

Immigration: Your Green Card



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WHAT IS A "GREEN CARD"?

It's not actually green, and it doesn't say "green card" on it. The Immigration and Naturalization Service (INS) provides a green card to foreign citizens who immigrate to the United States and successfully become Lawful Permanent Residents (LPRs), also called "resident aliens." Once received, an immigrant's LPR status does not expire, and that person can continue to live and work in the United States for the rest of their lives. However, because being an LPR is one step short of being a citizen, an LPR is not entitled to all the rights of American citizenship. In addition, an LPR who is convicted of a felony may still have their green card revoked and be deported from the United States.

AM I ELIGIBLE TO BECOME A LAWFUL PERMANENT RESIDENT (LPR)?

There are a number of ways that an immigrant can qualify to become an LPR. Some such ways are:

1. Based on an immigrant petition (if you already filed an immigrant petition and were approved),
2. Based on being the spouse or child of another LPR,
3. Based on admission to the U.S. as a fiancée and subsequent marriage to that person,
4. Based on certain asylum status,
5. Based on limited circumstances involving Cuban citizenship, or
6. Continuous residence in the U.S. since 1972.

Since immigration law and forms can be confusing, always consult an attorney or the INS for help in deciding whether you are eligible.

HOW DO I FILE FOR LPR STATUS?

There are a lot of INS forms and most of them can be complicated. **Always consult an attorney or immigration specialist for advice about what and where to file.** The following is a very basic "path" that a foreign citizen who marries a U.S. citizen would take to LPR status:

1. First, the couple would file a "**Petition for an Alien Relative**" (**INS form I-130**). Although this yellow form is quite short and simple, the applicants must be careful to provide all the required supporting documentation such as a marriage license, photos, the citizen spouse's birth certificate and the current INS filing fee. The basic function of form I-130 is to apply for a visa for the foreign spouse. Normally a person must apply for a visa and then wait, sometimes years, until a visa becomes available. In the case of marriage (and other limited circumstances such as an unmarried minor child), there is no waiting for a visa. Once the petition is approved (usually 90-120 days from filing) the spouse is considered to have an approved immigrant petition.
2. Now that the I-130 petition has been approved, the foreign citizen spouse is ready to apply for a green card. To do this, they must file an **Application to Register Permanent Residence or Adjust Status (INS form I-485)** along with an Affidavit of Support and proof of current status (such as the I-130 approval notice). Once again, it's best to obtain help in filling out the forms and gathering the required documents, as proper filing requires a variety of other evidence such as birth certificate, photos, fingerprints, a complete record of medical examination and a Biographic Information sheet (INS form G-325). The applicant must also pay the correct filing fee and an additional fee for fingerprinting.

Once filed, the Application to become an LPR may take anywhere from 24 to 36 months or more to be approved (depending on what part of the country you are in).

3. **Caution:** Between the date you file the I-485 and the date it gets approved, you do NOT have a green card and are NOT an LPR. Your status is considered "pending" by the INS. As such, you MUST have advance permission to travel outside the United States. This is accomplished by filing a simple Request for Travel Documents (INS form I-131) which is then good for 1 year at a time. Even if you don't plan on travelling, file the I-131!!! If an emergency arises and you must leave the U.S., you will then be prepared. If you leave without the INS travel documents, your petition for LPR status will either be rejected or kicked back to begin the waiting process all over again.

WHERE DO I FILE INS DOCUMENTS?

You must always file your INS documents at the correct INS Service Center (they are located in California, Texas, Nebraska and Vermont)!!! ***If you aren't absolutely positive, always check with the INS, your attorney or the INS website before mailing any forms to INS!!! Each form must go to a particular P.O. Box and a particular Zip Code; failure to send the form to the right place at the right Service Center will result in rejection and delays.*** In addition, certain forms are only accepted at certain Service Centers. For example, the Application for Travel Documents (INS form I-131) is only accepted at the Nebraska Service Center!!

LEGAL ASSISTANCE APPOINTMENTS:

For an appointment to see a legal assistance attorney, please contact the Legal Assistance Office, located in Building 610, Naval Air Station North Island, by telephone at (619) 545-6278.

RESOURCES:

Immigration and Naturalization Service (General Correspondence Only)
California Service Center
P.O. Box 30111
Laguna Niguel, CA 92607-0111

www.ins.usdoj.gov (for information or to download/print INS forms)

1 (800) 870-3676 (to order free INS forms by mail. Forms will be sent to your home.)

The following forms referred to on this handout cannot be downloaded and ***must be obtained from INS:***

I-130, G-325